

REMARKS

Claims 1 and 16 stand rejected under 35. U.S.C. §112, second paragraph as not being sufficiently definite. Claims 1-2, and 5-15 stand rejected under 35. U.S.C. §101 as not being appropriately directed to statutory subject matter. Applicant is appreciative of the withdrawal by the Examiner of rejections based on prior art. Reconsideration of the rejections and allowance of all the pending claims is respectfully requested in view of the foregoing amendments and the following remarks.

Independent claims 1, and 16 have been amended. Claims 3 and 4 were previously cancelled. Accordingly claims 1, 2, 4-19 remain pending.

In connection with the §112, second paragraph rejections noted in the Office Communication, applicant notes that the relationships previously recited in the preamble of independent claims 1 and 16 are presently recited in the respective bodies of such claims, as requested in the Office Communication. Accordingly, this basis of rejection should be withdrawn.

In connection with the §101 rejections, applicant notes that claim 1 recites structural and/or operational relationships that provide a tangible result, with real world value, such as developing computer-readable code that when executed by a computer allows a customer of a service provider to manage an idea management system. The foregoing constitutes a particular practical purpose that has a specific and substantial utility in the real world (e.g., the business world). Moreover, applicant believes that the foregoing results would be considered credible by a person of ordinary skill in the art, and, consequently, the rejection of claim 1 under 35 U.S.C. §101 as merely constituting mental steps and thus lacking utility (e.g., not producing a useful, concrete, and tangible result) should be withdrawn.

Applicant makes reference to M.P.E.P. § 2106, "Patent Subject Matter Eligibility" and § 2107, "Guidelines for Examination of Applications for Compliance with the Utility Requirement". The M.P.E.P. instructs Examiners that if the applicant has asserted that the claimed invention is useful for any particular practical purpose (i.e., it has a "specific and substantial utility") and the assertion would be considered credible by a person of ordinary skill in the art, then the Examiners must not impose a rejection based on lack of utility. MPEP 2107 further instructs that Office personnel are reminded that they must treat as true a statement of fact made by an applicant in relation to an asserted utility, unless countervailing evidence can be

provided that shows that one of ordinary skill in the art would have a legitimate basis to doubt the credibility of such a statement. In view of the foregoing considerations, applicant respectfully submits that the claimed invention meets all applicable statutory requirements in connection with eligible subject matter for a patent, and furthermore, is consistent with the above-referred guidelines. In view of the foregoing discussion, the §101 rejections of claim 1, and claims depending from such a claim, should be withdrawn.


Conclusion

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter, and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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By: 
John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830